

DETAILED ACTION

1. This Restriction Requirement is being resent as the first Restriction Requirement dated December 12, 2007 was sent to incorrect address.
2. Claims 1-9 are pending.

Election/Restrictions

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

List I: Atoms of Bond (M)

- A. Carbon
- B. Oxygen
- C. Nitrogen
- D. Phosphorous
- E. Boron
- F. Sulfur
- G. Polymer
 - i. Polyethers
 - ii. Polyesters
 - iii. Polypeptides
 - iv. Oligosaccharides
 - v. Polyurethanes
 - vi. Polyamides
 - vii. Polysulfonamides
 - viii. Polysulfoxides
 - ix. Polyphosphonates
 - x. Block copolymers thereof (for this species, Applicant is further required to select a block copolymer)

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List II: Detection Moiety (D)

- A. Fluorescent label/fluorescein (claims 4 and 6)
 - i. 5- and 6-carboxyfluorescein
 - ii. 5- and 6-carboxy-4,7-dichlorofluorescein
 - iii. 2',7'-dimethoxy-5- and 6- carboxy-4,7-dichlorofluorescein
 - iv. 2',7'-dimethoxy-4',5'-dichloro-5- and 6-carboxyfluorescein
 - v. 2',7'- dimethoxy-4',5'-dichloro-5- and 6-carboxy-4,7-dichlorofluorescein
 - vi. 1',2',7',8'-dibenzo-5- and 6- carboxy-4,7-dichlorofluorescein,
 - vii. 1',2',7',8'-dibenzo-4',5'-dichloro-5- and 6-carboxy-4,7-dichlorofluorescein
 - viii. 2',7'-dichloro-5- and 6-carboxy-4,7-dichlorofluorescein
 - ix. 2',4',5',7'- tetrachloro-5- and 6-carboxy-4,7-dichlorofluorescein
- B. Chromogenic label
- C. Electrochemical label

List III: Cleavable Linkage (L)

- A. Olefins
- B. Thioethers
- C. Selenoethers
- D. Thiazoles
- E. Oxazoles
- F. Imidazoles

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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The claims are deemed to correspond to the species listed above in the following manner:

List I: Atoms of Bond (M) (claims 3 and 5)

- A. Carbon (claim 3)
- B. Oxygen (claim 3)
- C. Nitrogen (claim 3)
- D. Phosphorous (claim 3)
- E. Boron (claim 3)
- F. Sulfur (claim 3)
- G. Polymer (claims 3 and 5)
 - i. Polyethers (claims 3 and 5)
 - ii. Polyesters (claims 3 and 5)
 - iii. Polypeptides (claims 3 and 5)
 - iv. Oligosaccharides (claims 3 and 5)
 - v. Polyurethanes (claims 3 and 5)
 - vi. Polyamides (claims 3 and 5)
 - vii. Polysulfonamides (claims 3 and 5)
 - viii. Polysulfoxides (claims 3 and 5)
 - ix. Polyphosphonates (claims 3 and 5)
 - x. Block copolymers thereof (for this species, Applicant is further required to select a block copolymer) (claims 3 and 5)

List II: Detection Moiety (D) (claims 4, 6, and 7)

- A. Fluorescent label/fluorescein (claims 4, 6, and 7)
 - i. 5- and 6-carboxyfluorescein (claims 4, 6, and 7)
 - ii. 5- and 6-carboxy-4,7-dichlorofluorescein (claims 4, 6, and 7)
 - iii. 2',7'-dimethoxy-5- and 6- carboxy-4,7-dichlorofluorescein (claims 4, 6, and 7)
 - iv. 2',7'-dimethoxy-4',5'-dichloro-5- and 6-carboxyfluorescein (claims 4, 6, and 7)
 - v. 2',7'- dimethoxy-4',5'-dichloro-5- and 6-carboxy-4,7-dichlorofluorescein (claims 4, 6, and 7)
 - vi. 1',2',7',8'-dibenzo-5- and 6- carboxy-4,7-dichlorofluorescein (claims 4, 6, and 7)
 - vii. 1',2',7',8'-dibenzo-4',5'-dichloro-5- and 6-carboxy-4,7-dichlorofluorescein (claims 4, 6, and 7)
 - viii. 2',7'-dichloro-5- and 6-carboxy-4,7-dichlorofluorescein (claims 4, 6, and 7)
 - ix. 2',4',5',7'- tetrachloro-5- and 6-carboxy-4,7-dichlorofluorescein (claims 4, 6, and 7)
- B. Chromogenic label (claim 4)
- C. Electrochemical label (claim 4)

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List III: Cleavable Linkage (L) (claim 8)

Olefins (claim 8)

Thioethers (claim 8)

Selenoethers (claim 8)

Thiazoles (claim 8)

Oxazoles (claim 8)

Imidazoles (claim 8)

The following claim(s) are generic: claims 1, 2, and 9.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: each of the species of atoms of bond, detection moiety, and cleavable linkages listed above lack the same special technical features.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

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unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UNSU JUNG whose telephone number is (571)272-8506. The examiner can normally be reached on M-F: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Unsu Jung/
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Patent Examiner
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